



COMMONWEALTH of VIRGINIA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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12 January 1994

Mr. Craig O. Jones, R.S.
Environmental Health Supervisor
Fairfax County Health Department
10777 Main Street, Suite 102
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RE: Reserve Drainfield Requirements

Mr. Jones:

After reviewing your 5]AN94 memo to me, I offer the following observations. To clarify some of my points, I attach several pertinent documents. One document is a 22AUG90 memorandum from Robert B. Stroube, Deputy Commissioner for Community Health Services, Virginia Department of Health (VDH) to all Tidewater Regional and District Sanitarians. The second memo is from my supervisor, Scott Crafton, to Robert Hicks, VDH Division Director of Sanitarian SeMees.

Your three scenarios all deal with existing lots. In addition, on the telephone last Friday, you said records indicate the lots were platted before adoption of the County's Chesapeake Bay Preservation Ordinance last year and the County's own reserve requirements in the early 1970s.

I will try to answer each of your scenarios separately and in the most general ter-MS possible. Where I've made assumptions, I try to provide the alternative answers as well. I realize many of the answers rely on the judgement of the Director of Health Services and I'll expand on that subject later in my letter.

Does an existine lot, which has never been evaluated for installation of an individual sewage disposal system, now require a design incorporating reserve area?

If the site has never been *evaluated* for either a primary or reserve drainfield, then did the County approve the recordation of the lot without an approved disposal site? That practice may have violated state health policy and subdivision laws. If, on the other hand, the parcel originally had an approved drainfield site but the permit has lapsed, then you should treat the lot *as if* it had never been evaluated.

Mr. Craig O. Jones, R.S.

Page 2

12 January 1994

In either case, the lot must be evaluated for a design incorporating a reserve area. In other words, if a reserve drainfield can be located on site, then the reserve must be established even though the lot is 'existing.' This interpretation is consistent with advice from the Attorney General (copy attached). However, if the Director of Health Service determines the parcel to have insufficient capacity to accommodate the reserve site, then the full reserve site would not be required.

Does an existinz lot, which has been evaluated and approved for installation of an individual sewage disposal system and is limited to four bedrooms due to soil limits, lot size, etc. without incorporating a reserve area, now require incorporation of a reserve area?

If the drainfield permit was approved prior to October 1, 1989, and is still valid, the lot may be built upon without incorporation of a reserve site. If the permit was approved between October 1, 1989 and March 22, 1992 (Fairfax Co. *adoption* of CBPA program), the landowner must make a written request to the local health department for a reappraisal. The Health Department must then make the second evaluation and if sufficient room exists, a reserve site must be established.

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Since our agreement with VDH doesn't recognize a difference between local program adoption and effective dates, any permit approved during this time would be a special situation. We'd be glad to discuss those situations on a ca.se-by-case basis at another time.

Does an existing lot, which has been evaluated and approved for installation of an individual sewage disposal system now require incorporation of a reserve area?

As your letter states, this situation is the same as the last scenario except it's not limited to four bedrooms. Our answer is likewise the same, regardless of the number of bedrooms.

Does the Chesapeake Bay Local Assistance Department have an adopted policy addressing "... insufficient capacity to accommodate a reserve sewage disposal site . fig

I guess you ask this question since the answers to your earlier scenarios lie in the determination of "insufficient capacity." While we don't have an official state policy, we encourage localities to establish an implementation strategy that outlines a hierarchal order. We believe localities should make the appropriate policy decisions rather than to force that decision-making responsibility on the Health Department. I urge you to contact Fairfax County officials to further define these policy matters.

Mr. Craig O. Jones, R.S.

Page 3

12 January 1994

For instance, Prince William County says lots have sufficient capacity if

1. the house (and/or drainfield) location can be altered to accommodate the reserve;
2. the house size (bedroom capacity) is restricted, but in no case shall they be restricted to less than 3 bedrooms;
3. a low pressure distribution septic system can be used; or
4. any combination of the above can be used to achieve the goal.

We found this approach acceptable. In addition, we have suggested to localities that drainfields could be allowed other zoning setbacks. We also have said localities can exercise judgement on a case-by-case basis. For instance, if every house on the street has a garage but a full reserve would prevent the lot from having a garage, the reserve requirement could be lifted to provide neighborhood continuity. Likewise, a property owner may be able to build the desired number of bedrooms using an additional story to allow more space for the reserve drainfield. Once again, the local government would decide such matters.

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Fairfax County may have an additional option. The County may want to add the alternating drainfield approach in use since the 1970s. Our *Local Assistance Manual* says the reserve requirement can be met if

an additional 50% reserve is maintained and alternation between the two halves of a drainfield is assured. The spirit of the requirement is met because the 50% reserve of the total drainfield area equals 100% of the drainfield capacity in use at any given time. [pg IV-191

I hope I've been able to answer your inquiry. If you need further clarification, please feel free to call me at 1-800-CHF-S-BAY.

Marlene F. Hale, EIT
Senior Civil Engineer
Northern Virginia Liaison

Attachments: as noted in letter

c: Bruce Douglas, Fairfax County OCP
Noel Kaplan, Fairfax County OCP
Don Alexander, VDH
Darryl M. Glover, CBLAD *w/o attachments*